

TAX DITCH RIGHT-OF-WAY TASK FORCE
October 4, 2007
Minutes

Representative Thornburg called the meeting to order at 10:07 a.m.

The following Task Force Members were present: Lauren Alberti, Rep. Pam Thornburg, Mike Brown, Fred Mott, Bill Vanderwende, Carlton Fifer, Rep. V. George Carey, Frank Piorko, Dave Toomey, Doug Corey, Gary Dodge, Ed Jestice, and Richard James. Also present were the following: Debbie Absher (Sussex Conservation District), Tom Barthelmeh, Michele Garner, Bob Enright, and Brooks Cahall (DNREC). Task Force members absent: Elton Murray.

A motion was made and passed to approve the agenda.

A motion was made and passed to approve the minutes of September 17, 2007, as written.

A handout was distributed outlining the Tiered Options presented and discussed at the previous meeting.

A discussion was held regarding tax ditch rights-of-way in undeveloped parcels. There was a large amount of dialogue pertaining to the merits of multiple tiered tax ditch rights-of-way. Of concern, was the number of tiers needed and what would work best for tax ditch maintenance as well as, for landowner's maximum benefit/usage of their property. After much discussion, it was voted on and unanimously approved to utilize an Alternative Option (similar to Option 3 with a 3 Tier System) for tax ditch rights-of-way in undeveloped parcels as described below:

| TIER 1 | TIER 2 | TIER 3 |
|---|--|---|
| 3' to 4' Bottom Width | 5' to 10' Bottom Width | Over 10' Bottom Width |
| 80' from Top of Bank or Existing Construction ROW (whichever is less) | 120' from Top of Bank or Existing Construction ROW (whichever is less) | Existing Construction ROW to remain as filed in Court Order |

The above 3 Tiered System addresses the inventoried tax ditches as follows:

- 68% Tier 1 - 3' to 4' bottom width
- 22% Tier 2 - 5' to 10' bottom width
- 10% Tier 3 - Over 10' bottom width

There was concern expressed regarding maintenance rights-of-way on tax ditches and the obstructions which make routine minor maintenance difficult (mowing) as well as, tax ditches which are not being dipped out or having major maintenance/construction work performed when needed. Representative Thornburg stated that the Sunset Committee would evaluate and discuss funding mechanisms to support proper management and maintenance of tax ditches.

It was noted that the recommendation and/or legislation proposed would need to include that the new rights-of-way are based on original design of the tax ditch (note: not all construction plans are filed in Superior Court, however, they are on file at the Division of Soil and Water Conservation).

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The following topics were briefly discussed and will be more fully addressed at the next meeting:

- Defining of Undeveloped parcels/lands.

- Defining of Maintenance (minor maintenance) and Construction (major maintenance) rights-of-way.

- Discussion of one sided and two sided rights-of-way.

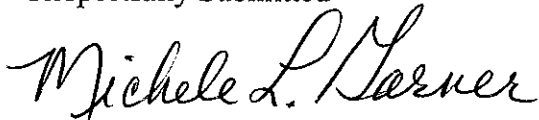
- Discussion regarding Rights-of-way in Developed areas.

The recording and education regarding tax ditch rights-of-way will be discussed after the above concerns are addressed.

The next meeting of the Tax Ditch Right-of-Way Task Force is scheduled for Monday, October 29, 2007, 6:00 p.m. – 8:00 p.m. in the DNREC Secretary's conference room.

Meeting adjourned at 11:55 p.m.

Respectfully Submitted

A handwritten signature in black ink, reading "Michele L. Garner". The signature is written in a cursive, flowing style.

Michele L. Garner

Administrative Specialist II